IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 269 OF 2001

Miss Terezinha Fernandes
presently working as Working
Assistant, Land Acquisition
Officer, P.W.D.(Cell),
Altinho, Panaji-Goa. ... Petitioner

versus

The Chief Engineer,
Public Works Department,
State of Goa, Altinho,
Panaji, Goa and another. ... Respondents

Mr. D. Pangam, Advocate for the Petitioner.

Mrs. Winnie Coutinho, Government Advocate for the Respondents.

CORAM : DALVEER BHANDARI, C.J. &
N. A. BRITTO, J.

DATE : 21ST MARCH, 2005.

P.C.:

The petitioner has filed this petition with a prayer that respondent no.1 be directed to regularise the services of the

petitioner in the grade and pay scale of Jr. Stenographer w.e.f. 12-8-1992.

The brief facts which are necessary to dispose of the petition are recapitulated hereunder.

Respondent No.1 has shown the original file containing the Order dated 16-8-1986 by which the petitioner was appointed on the post of **Work Assistant cum Stenographer** on 16-8-1986. The petitioner has also produced a Muster Roll Form for the month of April, 1988 which clearly demonstrates that the petitioner was working as Jr. Stenographer with respondent no.1. The petitioner has also placed on record the Muster Roll for the month of December, 1989. In that Muster Roll also the petitioner has been shown as Jr. Stenographer.

The petitioner has also produced Office Certificate which is given by the Assistant Engineer(Arb.) P.W.D. to the Executive Engineer, Works Division XVII-PHE-N dated 10-7-1990. That also clearly demonstrates that the petitioner has worked on all working days for the month of June, 1990 as Jr. Stenographer. It is proved beyond any doubt that the petitioner

was appointed as **Work Assistant cum Stenographer** but she always functioned only as Jr. Stenographer but according to respondent no.1 the petitioner was confirmed on 12-8-1999 as a Work Assistant.

The aforementioned documents clearly reveal that the petitioner has worked all through as a Jr. Stenographer. In this view of the matter, the petitioner ought to have been confirmed in the grade and pay scale of a Jr. Stenographer from 12-8-1999.

Consequently, the writ petition filed by the petitioner is allowed. The petitioner is directed to be regularised as a Jr. Stenographer from 12-8-1999. The petitioner would be also entitled to all consequential benefits.

We direct all these benefits be given to the petitioner within eight weeks from today. This petition is accordingly allowed and disposed of in the aforesaid terms.

CHIEF JUSTICE

N. A. BRITTO, J.